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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,323	02/24/2003	Garry Roger Steedman	14728.00003	4634

7590

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EXAMINER

BATSON, VICTOR D

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,323

Applicant(s)

STEEDMAN ET AL.

Examiner

Victor Batson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 91-180 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 91-100 and 138-141 is/are rejected.
- 7) ☒ Claim(s) 101-137 and 142-180 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Objections***

Claims 91-137, 139-180 are objected to because of the following informalities: In claim 91 line 4, it appears that "of" should be inserted after "orientation". In claim 92 line 1, "the lower or outer surface" lacks proper antecedent basis. Throughout the claims, the phrase "the or each" is not understood. Throughout the claims, the phrase "the said" is not appropriate and should be changed to "the" or "said". In claim 96 lines 1-2, "the longitudinal curvature" lacks proper antecedent basis since claim 96 indirectly depends from claim 94 where the sections may be straight. In claim 97 line 2, "the angle" lacks proper antecedent basis. In claims 100 & 141, it is unclear how **one** tool can be positioned at fixed **locations**. In claim 104 line 1, it appears that "in" should be inserted after "claimed". In claim 105 line 2, the phrase "the or each tool projecting outwardly" is not understood. In claim 113 line 2, it appears that "pass" should be inserted after "path". In claim 114 line 2, it appears that "pass" should be inserted after "path". In claim 114 line 2, "at least one working surface" lacks proper antecedent basis as antecedent basis has already been established for a working surface in claim 108 and it is unclear if applicant is referring to the previously established working surface or if applicant is attempting to establish a different working surface. In claim 115 line 2, "the portions" lacks proper antecedent basis. In claim 126 line 2, "the horizontal plane" lacks proper antecedent basis. In claim 128 lines 2-3, "said opposed portions" lacks proper antecedent basis. In claim 134 line 2, it appears that "surface" should be changed to "surfaces". In claim 139 line 2, "the vertical plane" lacks proper antecedent basis. In claim 155 line 2, it appears that "said" should be inserted before "working

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surface". In claim 162 line 3, "any combination of same" is considered indefinite. In claim 163 line 1, it appears that "saw" should be changed to "said". In claim 171 line 2, "a said" is improper. In claim 175 line 2, "said in-use position" lacks proper antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 91-100, 138-141 are rejected under 35 U.S.C. 102(b) as being anticipated by Gremillion et al. (3,710,472).

Gremillion et al. discloses an adjustable assembly having all of applicant's claimed structure including two or more articulately connected sections and one or more actuator means capable of changing the orientation of at least two said sections with respect to each other.

The examiner notes that the teeth on trencher 38 are considered multiple tools.

***Allowable Subject Matter***

Claims 101-137 & 142-180 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-

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6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 21, 2004



Victor Batson  
Primary Examiner  
Art Unit 3671